

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NAJIB SHOUCAIR,

Plaintiff,

v.

D. SNACKER,

Defendant.

Case No. 05-cv-40341

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION, AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This matter comes before the Court on the Report and Recommendation ("R & R") of Magistrate Judge R. Steven Whalen. Magistrate Judge Whalen recommends that the Court grant Defendant's motion for summary judgment, dismiss the constitutional claims against Defendant with prejudice, and dismiss the state claims without prejudice.

A District Court's standard of review for a magistrate judge's R & R depends upon whether a party filed objections to the R & R. With respect to portions of an R & R that no party has object to, the Court need not undertake any review at all. *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). Further, a failure to file specific objections constitutes a waiver of any further right of appeal from the district judge's adoption of the R & R. See *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981)

The last page of the magistrate judge's R & R notified the parties that any objections were to be filed within fourteen (14) days of service of a copy of the R & R, as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). See *Walters*, 638 F.2d at 950 ("we hold that a party shall be informed by the magistrate that objections must be filed within ten

days or further appeal is waived.”).

No objections have been filed and the time for filing them has passed, so the Court need not conduct any review of the R & R. Additionally, by not filing objections, Plaintiff has waived his right to appeal. See *Walters*, 638 F.2d at 950. Accordingly, the Court will adopt the R & R in full, grant Defendant’s motion for summary judgment, dismiss with prejudice Plaintiff’s constitutional claims, and dismiss without prejudice Plaintiff’s state law claims.

WHEREFORE, it is hereby **ORDERED** that:

- Magistrate Judge Whalen’s Report and Recommendation (docket no. 85) is **ADOPTED** in full.
- Defendant’s motion for summary judgment (docket no. 80) is **GRANTED**;
- Plaintiff’s constitutional claims against Defendant are **DISMISSED with prejudice**;
- Plaintiff’s state law claims are **DISMISSED without prejudice**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 23, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 23, 2010, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager